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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,661	07/24/2003	Peter Yeung	095P34	8914
51590	7590	09/08/2006		
NEXUS LAW GROUP LLP 1500 - 701 WEST GEORGIA STREET VANCOUVER, BC V74-1C6 CANADA			EXAMINER BASICHAS, ALFRED	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,661

Applicant(s)

YEUNG, PETER

Examiner

Alfred Basichas

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 3749

4. Claim 1-8 and 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang (5,469,837), which discloses substantially all of the claimed limitations including, among other things,

1. A range hood for exhausting gases comprising: an outer hood body (see at least fig. 6); a motor housing 10 having top, bottom and perimeter surfaces defining an enclosure and having an air outlet (not shown, but inherent; the exhaust must go somewhere) and at least one opening 11 defined in said bottom surface, said motor housing being mounted within said hood body; a motor 12 and a fan 13 mounted within said motor housing; **a tray 20,30,41 having a perimeter side walls 30, a floor and a drainage hole 41, said perimeter side wall extending upwards from said floor (see at least fig. 5),** at least one air inlet opening being located in said side wall, said tray being in abutment with said motor housing located below said opening in said bottom surface; and a bottom panel 10 connected to said hood body.

2. The range hood of claim 1 wherein when said bottom panel 10 is connected to said hood body said tray projects through **an opening 11 in** said bottom panel such that said at least one air inlet (between walls 30) is located below said bottom panel.

3. The range hood of claim 1 wherein said **perimeter side wall 30 extending from said floor 41 and terminates in an annular ring 20**, said annular ring connecting to said motor housing and having a horizontal portion **extending radially inward (see at least figs. 2,4,5) so as to be positioned below a portion of said fan** (see at least fig. 2).

4. The range hood of claim 1 further comprising spray dispensing means 43,51,52.

5. The range hood of claim 1 further comprising a hose 51 and spray nozzle 43, said hose being seated in said side wall of said tray and said nozzle being positioned so as to direct cleaning fluid under pressure towards said fan and motor housing interior (see at least fig. 6).

6. The range hood of claim 5 wherein said hose and nozzle are further seated on a support stand projecting from said floor of said tray (see at least fig. 6).

7. The range hood of claim 1 wherein said tray wall has a plurality of said air inlets (see at least spaces between walls 30).

8. The range hood of claim 1 comprising two of said motors and two of said fans and wherein said motor housing comprises two substantially similar air chambers, each chamber having one of said at least one openings defined in said bottom surface, a motor and fan being housed within each chamber above said openings (see at least fig. 1).

10. The range hood of claim 8 further comprising two of said trays, one tray positioned below a first of said air chambers and a second tray positioned below a second of said air chambers (see at least fig. 1).

Chiang does not specifically recite that the bottom panel 10 or the tray 20,30,41 being releasably connected. It is notoriously old and well known in the mechanical arts to make components releasably connectable in order to facilitate removal for cleaning and repair. Accordingly, it would have been obvious to one of ordinary skill in the art at the

Art Unit: 3749

time of invention to incorporate a releasable connection for the bottom panel and tray disclosed by Chiang, so as to provide for cleaning and repair.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang (5,469,837), which discloses and makes obvious substantially all of the claimed limitations. Chiang does not specifically recite,

9. The range hood of claim 8 wherein said tray is adapted to encompass both said openings.

The claimed orientation reciting a single large tray rather than two individual trays is an obvious modification based on design choice, and depends on manufacturing costs and considerations. In view of the absence of criticality for this particular design, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate it into the invention disclosed by Chiang, so as to provide for manufacturing costs and considerations.

Response to Arguments

6. Applicants' arguments with regard to the rejected claims, filed July 7, 2006, have been considered, but are not deemed fully persuasive.

a. It should first be noted that the tray recited in the claims reads on the structure comprising elements 20, 30, and 41 of Chiang.

b. Applicant asserts that the grill 30 cannot read on a wall and provides an Encarta Dictionary definition. Specifically that a wall is a standing structure that surrounds or blocks. The grill 30 of Chiang does both. It surrounds the opening in the bottom panel and blocks the user from touching the fan blades. And, it is a

standing structure in the same way as that described by applicant. Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

c. Applicant has amended the claims to recite that the walls extend upwards from the floor. Chiang discloses and shows the grill as a conical shape. Accordingly, as shown at least in fig. 5, the wall extends upwards from the floor 41 towards the motor housing.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3749

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Basichas whose telephone number is 571 272 4871. The examiner can normally be reached on Monday through Friday during regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 571 272 4828. The fax phone numbers for the organization where this application or proceeding is assigned are 571 273 8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center telephone number is 571 272 3700.

September 1, 2006


Alfred Basichas
Primary Examiner